



Mary-Ann Warmerdam
Director

**Stanislaus County
Pesticide Regulatory Program
2006/2007 Performance Evaluation Report**

**California Environmental Protection Agency
Department of Pesticide Regulation
1001 I Street
Sacramento, California 95814**

Performance Evaluation of the Stanislaus County Agricultural Commissioner Pesticide Use Enforcement Program

This report provides a performance evaluation of the Stanislaus County Agricultural Commissioner's (CAC's) pesticide use enforcement (PUE) program for the fiscal year (FY) 06/07. The assessment evaluates the performance of goals identified in the CAC's Negotiated Work Plan (NWP) as well as the program's adherence to Department of Pesticide Regulation (DPR) standards as described in the Pesticide Use Enforcement Standards Compendium.

I. Summary Report of Core Program Elements

A) Restricted Materials Permitting:

The overall restricted materials permitting (RMP) program element was found not to meet DPR standards and NWP goals for FY 06/07.

B) Compliance Monitoring:

There were illness investigations that did not meet DPR standards. The overall compliance monitoring program element was found not to meet DPR standards and NWP goals for FY 05/06.

C) Enforcement Response:

The enforcement response program element did not meet DPR standards and NWP goals for FY 05/06.

Summary Statement: Stanislaus County's overall PUE program for FY 06/07 has been ineffective at delivering the local enforcement program of the State due to multiple deficiencies needing correction.

The following is an assessment of these areas:

II. Assessment of Core Program Effectiveness and Work Plan Goals

A) Restricted Materials Permitting:

DPR and the CACs must assure the RMP system protects people and the environment while allowing for effective pest management. To assure effective implementation of the permit system, CACs must continuously evaluate hazards posed by proposed applications and evaluate the knowledge of the restricted permit applicant. The restricted materials permitting program element was found not to meet DPR standards and NWP goals.

1. Permit Issuance

Stanislaus County issues approximately 1800 restricted materials permits and 290 operator identification numbers. The RMP program does not meet DPR standards for the following reasons:

- Restricted materials permits did not identify sensitive sites. Sites maps attached to the permits did not identify sensitive sites and in many cases have not been updated for several years. This is a program area that did not meet DPR standards in 2005/2006.
- The permittee shall be responsible for compliance with all permit conditions. In some cases, conditions were not attached to the permits.
- All non-agricultural permits are to be inspected on an annual basis. The Stanislaus CAC did not complete an inspection on all of the non-agricultural permits issued in Stanislaus County. This is a program area that did not meet DPR standards in 2005/2006.
- Permits for non-agricultural use of a restricted material may be issued in the name of the operator of the property to be treated or a pest control business. A permit issued to the operator of the property shall be signed by either the permittee or, when allowed by the commissioner, the permittee's authorized representative. The authorized representative shall provide the commissioner with written documentation from the permittee to act on his or her behalf. Some permits were issued where the authorized representative did not have written documentation from the permittee.

2. Site Evaluation

The RMP site evaluation should utilize the CAC's knowledge of pesticide hazards, local conditions, cropping, and fieldwork patterns, as well as handler, permittee and advisor compliance histories to address local, multi-county, and/or regional issues. The site evaluation element of the RMP program does not meet DPR standards for the following reason:

- The county reviewed 9,547 notices of intent (NOIs) in FY 06/07 and conducted 317 pre-site application inspections representing 3.3 % of the NOIs reviewed and did not complete the required 5% of the pre-application site inspections. This is a program area that did not meet DPR standards in 2005/2006.

B) Compliance Monitoring

DPR's strategic goal to reduce risks to people and the environment depends on an effective and comprehensive compliance monitoring program. Inspections and investigations allow CACs to identify and respond to potential hazards to workers, the public, and the environment. To assure an effective compliance monitoring program, CACs must assure broad-based and comprehensive inspection types, identify the number of inspections necessary to maintain an enforcement presence effective at deterring violators, and assure thorough and timely investigations. The compliance monitoring program element was found not to meet DPR standards and Negotiated Work Plan (NWP) goals.

1. Inspections

An effective inspection strategy encompasses a broad spectrum of pesticide handling situations and responds quickly to local issues. The focus should be on a balance between

planned and spontaneous inspections. Inspections should have broad coverage and focus on areas of the greatest risk.

2. Investigations

DPR and CACs have the responsibility to investigate episodes that may involve potential or actual human illness, injury, property damage, loss or contamination, and environmental effects allegedly resulting from the use or presence of a pesticide in a timely and thorough manner. The investigation program did not meet DPR standards and NWP goals for the following reason:

- There were illnesses investigations that did not address non-compliances found during the investigation and were not conducted in a timely manner. Investigations are to be completed within 120 days of receiving the illness report. This is a program area that did not meet DPR standards in 2005/2006.

C) Enforcement Response

To realize the full benefit of a comprehensive and effective statewide pesticide regulatory program, DPR and the CACs must apply our enforcement authority fairly, consistently, and swiftly. Our joint enforcement response should emphasize worker and environmental safety and promote deterrence. The enforcement response program element was found not to meet DPR standards and NWP goals for the following reasons:

- The Stanislaus CAC has a system in place to track violators and their non-compliances, but has not utilized their compliance tracking system. By not utilizing their compliance tracking system the Stanislaus CAC is not able to determine when enforcement or compliance actions are required to be taken as required by the Enforcement Response Regulation (ERR). This is a program area that did not meet DPR standards in 2005/2006.
- The Stanislaus CAC did not take enforcement action for non-compliances found during some of their investigations as required by the ERR.

III. Corrective Actions Previously Identified

The CAC has developed an inspection database to track non-compliances found during investigations and inspections. The CAC did not utilize the database to track non-compliances found during an investigation or inspection.

IV. Recommended Corrective Actions

Restricted Materials Permitting:

- The CAC will during RMP renewal review site maps with the permit applicant to ensure sensitive sites are addressed and have the permit applicant submit new site maps when required.
- Conduct an annual inspection on all non-agricultural restricted materials permits.

- The CAC shall have written documentation from the permittee that the authorized representative will act on the behalf of the permittee.
- Track all notice of intents and pre-site application inspections to ensure the required 5% of the pre-site applications have been completed.
- Any time a violation(s) is noted on an inspection form and it is not corrected by the user at the time of the inspection, a timely follow-up inspection will be conducted.

Three of the five program areas that did not meet DPR standards during 2006/2007 also were not met in 2005/2006.

Investigations:

- The CAC needs to track illness investigations to ensure they are completed within the 120-day requirement.
- Violation(s) found during an investigation shall be documented in the investigative report.

One of the two program areas that did not meet DPR standards during 2006/2007 was not met in 2005/2006.

Enforcement Response:

- The CAC will utilize and maintain their existing compliance tracking system to ensure follow-up enforcement or compliance action is taken as required by the ERR.

This was a program area that did not meet DPR standards in 2006/2007 that also was not met in 2005/2006.